

**THE PARK LAW GROUP, LLC**

Attorneys for Plaintiff Easytex Corporation Limited  
Chull S. Park, Esq. (CP2061)  
Hyun Suk Choi, Esq. (HC4208)  
23 S. Warren Street  
2<sup>nd</sup> Floor  
Trenton, New Jersey 08608

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

EASYTEX CORPORATION LIMITED,

Plaintiff,

v.

PETER & FRANK OF NY, CORP., CHUL KYU  
KIM a/k/a KIM CHUL KYU a/k/a CHUK CHUL  
KIM a/k/a ROBERT CHUL KIM a/k/a CHUL  
KYOU KIM a/k/a CHULKYOO KIM a/k/a KIM  
K. CHUL, BARO SHIPPING CO., LTD., TOP  
TEN TRANS, INC., GFA, INC., 3 WIN INC.,  
MERCURY, AMERICAN INTERNATIONAL  
LINE, INC., SOON CHAN HONG a/k/a SOON  
C. HONG a/k/a SOONCHAN C. HONG a/k/a  
SOON CHAN HONG a/k/a CHAN S. HONG  
a/k/a HONG S. CHAN a/k/a HONG SOON  
CHANG d/b/a SOONCHAN HONG CUSTOM  
HOUSE BROKER, STOP & STOR, WESTY  
STORAGE CENTERS, jointly and severally,

Defendants.

Civil Action No. 07-CV-03907-BSJ

**ANSWER AND AFFIRMATIVE  
DEFENSES OF PLAINTIFF AND  
COUNTER DEFENDANT, EASYTEX  
CORPORATION LIMITED, TO  
COUNTERCLAIMS OF DEFENDANT  
HICKSVILLE PROJECT, LLC s/h/a  
WESTY STORAGE CENTERS**

**ECF CASE**

Plaintiff and Counter Defendant, Easytex Corporation Limited ("Easytex"), by way of Answer to Counterclaims of Defendant Hicksille Project, LLC sued herein as Westy Storage Centers ("Westy"), states:

**FIRST COUNT OF COUNTERCLAIM AGAINST PLAINTIFF**

159. Easytex denies Westy's allegations in this paragraph that Easytex' claims against Westy are frivolous and sanctionable.

WHEREFORE, Easytex demands dismissal of the Counterclaims of Westy and for an award of counsel fees and costs and for such other and further relief as the Court may deem just and proper. Easytex reserves a right to file an appropriate motion to dismiss the Counterclaims of Westy.

**AFFIRMATIVE DEFENSES**

1. With respect to the Counterclaims, Westy fails to state a claim upon which relief can be granted.
2. Westy did not incur any damages as a result of Easytex' alleged conduct, which conduct is denied.
3. The Counterclaims are barred by the doctrine of unclean hands.
4. The Counterclaims are barred by the doctrine of estoppel.
5. Westy is barred from relief due to its failure to mitigate any alleged damages suffered by Westy.

WHEREFORE, Easytex demands dismissal of the Counterclaims of Westy and for an award of counsel fees and costs and for such other and further relief as the Court may deem just and proper. Easytex reserves a right to file an appropriate motion to dismiss the Counterclaims of Westy.

Dated: September 10, 2008

/s/ Hyun Suk Choi  
Hyun Suk Choi, Esq. (HC4208)  
THE PARK LAW GROUP, LLC  
Attorneys for Plaintiff  
**Easytex Corporation Limited**  
23 S. Warren Street, 2<sup>nd</sup> Floor  
Trenton, New Jersey 08608  
Tel.: 609.396.2800  
Fax: 609.396.2801

**CERTIFICATION OF SERVICE**

I hereby certify that:

1. Answer of Plaintiff and Counter Defendant, Easytex Corporation Limited, to Counterclaims of Defendant Westy Storage Centers ("Westy") is being filed through the ECF system within the time set forth in the court rules with the:

Clerk of Court  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
1<sup>st</sup> Floor  
New York, New York 10007-1312; and

2. Pursuant to Section 1.E of the Individual Practices of Judge Barbara S. Jones, Answer of Plaintiff and Counter Defendant, Easytex Corporation Limited, to Counterclaims of Westy, is being forwarded to the Judge's Chamber by regular mail that is located as follows:

Honorable Barbara S. Jones  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

3. Answer of Plaintiff and Counter Defendant, Easytex Corporation Limited, to Counterclaims of Westy, is being served upon the attorneys on the attached service list through the Electronic Court Filing system within the time set forth in the court rules.

By:

/s/ Hyun Suk Choi  
Hyun Suk Choi, Esq.

Dated: September 10, 2008